



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DUPLICATE PROOFS OF
CLAIM**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Sixth Omnibus Objection of USACM
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No.
3 6738] (the “Objection”); the Court having heard the matter on February 20, 2009;
4 appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)
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19
20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22
23 By: _____
August Landis
24 Assistant United States Trustee

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – DUPLICATE CLAIMS TABLE (6)

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Sinett, Todd & Wendy 11 Cedar Ln Sands Point, NY 11050	10725-01354	\$100,000.00	The claims is based on investment in Binford Medical Developers, LLC and Castaic Partners III, LLC and is duplicate of Claim #10725-01386. The USACM Liquidating Trust requests claim #10725-01354 be disallowed in its entirety.	10725-01386	\$100,000.00
Berry, William 5725 Daybreak Dr., Apt. D Mira Loma, CA 91752-5687	10725-01358	\$200,000.00	The claim is a duplicate of Claim #10725-01360. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01358 be disallowed in its entirety.	10725-01360	\$200,000.00
Cardwell Family Trust c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101	10725-01396 10725-01397	\$3,229,496.02 \$3,331,718.07	These claims are exact duplicates and are amended by Claim #10725-01401. The USACM Liquidating Trust requests claim #10725-01396 and 10725-01397 be disallowed in their entirety.	10725-01401	\$3,226,795.82
Bishop, Valon P.O. Box 50041 Reno, NV 89513	10725-01671	\$50,000.00	This claim is based on investment in Gramercy Court Condos and is a duplicate of Claim #10725-01745. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01671 be disallowed in its entirety.	10725-01745	\$50,000.00

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Wahl, David C P.O. Box 8012 Mammoth Lakes, CA 93546-8012	10725-01695	\$10,238.91	The claim is a duplicate of Claim #10725-02313. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01695 be disallowed in its entirety.	10725-02313	\$10,238.91
Wahl, David C P.O. Box 8012 Mammoth Lakes, CA 93546	10725-01704	\$15,542.15	The claim is a duplicate of Claim #10725-02335. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01704 be disallowed in its entirety.	10725-02335	\$15,542.15
O'Neill, Charles E & Lois 3515 Southampton Dr. Reno, NV 89509	10725-01730	\$75,311.86	The claim is based on investment in 5055 Collwood LLC and Placer Vineyards and is a duplicate of Claim #10725-01731. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01730 be disallowed in its entirety.	10725-01731	\$75,311.86
Johansen Family Trst Dtd 10/23/87 Amended 6/11/04 Leif & Roberta Johansen Ttees P.O. Box 2773 Truckee, CA 96160-2773	10725-01794	\$100,447.47	The claim is a duplicate of Claim #10725-02455. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01794 be disallowed in its entirety.	10725-02455	\$100,447.47

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Swedelson Family Trust Dtd 12/23/92 c/o Robert Swedelson Ttee 2539 Jada Dr Henderson, NV 89044	10725-01896	\$1,351.09	The claim is based on investment in Beau Rivage Homes and is a duplicate of Claim #10725-02198. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01896 be disallowed in its entirety.	10725-02198	\$1,351.09
RBR Partnership P.O. Box 376 Indian Springs, NV 89018-0376	10725-01954	\$55,381.90	The claim is based on investment in MS Acquisition Company, LLC and is a duplicate of claim #10725-02319. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01954 be disallowed in its entirety.	10725-02319	\$55,381.90